

1 LYSSA S. ANDERSON
Nevada Bar No. 5781
2 RYAN W. DANIELS
Nevada Bar No. 13094
3 KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
4 Las Vegas, Nevada 89135
Telephone: (702) 792-7000
5 Fax: (702) 796-7181
landerson@kcnvlaw.com
6 rdaniels@kcnvlaw.com

7 *Attorneys for Defendants*
Richard Newman, Angela Patton,
8 *James Portello, Cesar Esparza,*
Kenneth Kelsey, Rogelio Mariscal,
9 *Tutulupeatau Mataele, Raymond Bunch,*
Kimberly Shrewsberry, Cheryl Whetsel,
10 *Gerald Razo, Jesse Reynolds,*
Bryce Walford, Tanya Vai, Kyle Banagan,
11 *Ty-Yiviri Glover, Stephen White, Christopher Hunter,*
Douglas Taylor, Michael Chambers, and Mitchell Green

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 RAMON MURIC-DORADO,

15 Plaintiff,

16 vs.

17 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.

18 Defendants.
19

CASE NO.: 2:18-cv-01184-JCM-EJY

**STIPULATION TO EXTEND
DISCOVERY DEADLINES
(7th Request)
(ECF No. 207)**

20 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
21 cut-off date of August 7, 2023, and related deadlines, be continued for a period of ninety (90)
22 days¹ up to and including **November 6, 2023**, for the purpose of allowing the parties to complete
23 written discovery, disclose expert witnesses, and take depositions of the parties.

24
¹ Ninety-one days is requested as the 90th day falls on a Sunday.

I. DISCOVERY COMPLETED TO DATE

Plaintiff, Defendants Richard Newman, Angela Patton, James Portello, Cesar Esparza, Kenneth Kelsey, Rogelio Mariscal, Tutulupeatau Mataele, Raymond Bunch, Kimberly Shrewsberry, Cheryl Whetsel, Gerald Razo, Jesse Reynolds, Bryce Walford, Tanya Vai, Kyle Banagan, Ty-Yiviri Glover, Stephen White, Christopher Hunter, Douglas Taylor, Michael Chambers, and Mitchell Green (collectively, “LVMPD Defendants”), and exchanged their initial Rule 26 Disclosures while Plaintiff was representing him self pro se. LVMPD Defendants provided five supplements to their Rule 26 Disclosures during that time. Plaintiff provided another initial Rule 26 Disclosure after his counsel appeared and the LVMPD Defendants provided a sixth supplemental Rule 26 Disclosure. Defendant NaphCare provided their initial Rule 26 Disclosure subsequent to plaintiff’s counsel’s appearance. Pro se Plaintiff served Interrogatories on LVMPD Defendants Richard Newman, Angela Patton, James Portello, Cesar Esparza, Kenneth Kelsey, Rogelio Mariscal, Tutulupeatau Mataele, and Raymond Bunch,–who have served their responses and two Requests for Production of Documents collectively on the LVMPD Defendants and responses were made. Pro se Plaintiff attempted to serve Interrogatories on a “Person Most Knowledgeable” for non-party LVMPD, and was advised that this discovery is improper. Counsel for LVMPD has provided copies of all the above discovery to Plaintiff’s new counsel and counsel for NaphCare. Defendant NaphCare served Interrogatories and Requests for Production on Plaintiff on February 3, 2022 and Plaintiff served responses to NaphCare’s written discovery on December 8, 2021 [sic]. The LVMPD Defendants served Requests for Admissions on Plaintiff on September 15, 2022, and Plaintiff provided responses on October 21, 2022 to the first forty Requests for Admissions and objected to all subsequent Requests for Admissions. The LVMPD Defendants served Requests for Production of Documents on Plaintiff on September 15, 2022, but Plaintiff has not provided responses to

1 these Requests. A meet and confer conference was conducted on March 1, 2023 to discuss
 2 several discovery matters in this case. At that time, Plaintiff's counsel indicated that he intended
 3 to withdraw from representation and would be filing a motion to that effect. As a matter of
 4 professional courtesy, the parties have not scheduled depositions and have not pursued motions
 5 to compel or propounded further discovery to allow counsel to withdraw. Plaintiff's counsel has
 6 indicated that the motion is prepared and he is solely awaiting an affidavit from Plaintiff before
 7 filing.

8 **II. DISCOVERY YET TO BE COMPLETED**

9 The Parties have been attempting to schedule Plaintiff's deposition, which has had to be
 10 rescheduled or postponed four times, and needs to be rescheduled again. Plaintiff needs to
 11 supplement his Responses to the LVMPD Defendants' Requests for Admissions and serve his
 12 Responses to the LVMPD Defendants' Requests for Production of Documents. The Parties plan
 13 to serve additional written discovery requests (Interrogatories, Requests for Admissions and
 14 Requests for Production of Documents). The Parties will serve various third-party subpoenas
 15 and take the deposition of Plaintiff, LVMPD Defendants, and the person most knowledgeable for
 16 Naphcare. The Parties are retaining experts and will provide timely expert reports.

17 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

18 Local Rule 26-3 states in relevant part:

19 A motion or stipulation to extend a deadline set forth in a discovery plan
 20 must be received by the court no later than 21 days before the expiration
 21 of the subject deadline. A request made within 21 days of the subject
 22 deadline must be supported by a showing of good cause. A request made
 after the expiration of the subject deadline will not be granted unless the
 movant also demonstrates that the failure to act was the result of excusable
 neglect.

23 Here, good cause and excusable neglect support the requested extension of discovery deadlines.

24 Good cause and excusable neglect exist. For a large portion of this lawsuit plaintiff was

pro se and was an inmate at High Desert State Prison. Plaintiff now has pro bono counsel and has been released from prison, however it has been challenging to coordinate the deposition of plaintiff, who works, and the calendars for three attorneys' offices, who have experienced unexpected family emergencies. Plaintiff's deposition is needed to clarify the allegations in the eleven (11) remaining claims set out in Plaintiff's voluminous second amended complaint (ECF No. 15 and 31). The deposition is currently being noticed to occur in late June or early July. Further, additional medical providers have been discovered and Plaintiff's records from those providers have been requested, but not yet received. The parties' experts will need time to review the voluminous materials related to this case, including the plaintiff's deposition transcript, medical records, and prepare expert reports.

Despite diligent efforts, and given the number of defendants in this matter and the unexpected personal matters that counsel has had to attend to, completion of discovery by the current deadlines is not possible.

IV. ~~PROPOSED~~ EXTENDED DEADLINES

The Parties respectfully request this Court enter an order as follows:

Deadline	Current Date	Proposed New Date
Initial Expert Disclosure Deadline	Thurs., June 8, 2023	Thurs., Sept. 7, 2023
Rebuttal Expert Disclosure Deadline	Mon., July 10, 2023	Tues., Oct. 10, 2023
Discovery Cutoff Deadline	Mon., August 7, 2023	Mon., Nov. 6, 2023
Dispositive Motion Deadline	Weds., Sept. 6, 2023	Weds., Dec. 6, 2023
Pre-Trial Order Deadline	Fri., Oct. 6, 2023	Fri., Jan. 5, 2024

A. **Motions in Limine/*Daubert* Motions.**

Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and

1 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and
 2 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with
 3 leave of the Court.

4 **B. Extensions or Modification of the Discovery Plan and Scheduling Order.**

5 In accordance with LR 26-3, applications to extend any date set by the discovery plan,
 6 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
 7 supported by a showing of good cause for the extension. All motions or stipulations to extend a
 8 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
 9 the expiration of the subject deadline. A request made after the expiration of the subject deadline
 10 shall not be granted unless the movant demonstrates that the failure to set was the result of
 11 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
 12 include:

- 13 (a) A statement specifying the discovery completed;
- 14 (b) A specific description of the discovery that remains to be completed;
- 15 (c) The reasons why the deadline was not satisfied or the remaining discovery was
 16 not completed within the time limits set by the discovery plan; and
- 17 (d) A proposed schedule for completing all discovery.

18 This request for an extension is made in good faith and joined by all the parties in this
 19 case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and
 20 dispositive motions have not yet been filed. Accordingly, this extension will not delay this case.
 21 Moreover, since this request is a joint request, neither party will be prejudiced. The extension
 22 will allow the parties the necessary time to complete discovery.

23 ///

24 ///

1 DATED this 23rd day of May, 2023.

2 GOODWIN LAW GROUP

3 /s/ Charles Goodwin

4 CHARLES GOODWIN
Nevada Bar No. 14879
3100 W Charleston Blvd
Las Vegas, NV 89102

6 *Attorneys for Plaintiff*
7 *Ramon Muric-Dorado*

8 DATED this 23rd day of May, 2023.

9 KAEMPFER CROWELL

10 /s/ Lyssa S. Anderson

11 LYSSA S. ANDERSON
12 Nevada Bar No. 5781
13 RYAN W. DANIELS
Nevada Bar No. 13094
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Bryce Walford, Tanya Vai, Kyle Banagan,
19 *Ty-Yiviri Glover, Stephen White, Christopher*
Hunter, Douglas Taylor, Michael Chambers,
20 *and Mitchell Green*

21 IT IS SO ORDERED.

DATED this 23rd day of May, 2023.

MEDICAL DEFENSE LAW GROUP

/s/ Melanie B. Chapman

PAUL A. CARDINALE
Nevada Bar No. 8394
MELANIE B. CHAPMAN
Nevada Bar No. 6223
2965 South Jones Blvd., Ste. E1
Las Vegas, NV 89146

Attorneys for Defendant
NaphCare, Inc.

22 Dated this 23rd day of May 2023.

23 
24 UNITED STATES MAGISTRATE JUDGE